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Jouni Kangas

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EXAMINER

NAJEE-ULLAH, TARIQ S

ART UNIT

PAPER NUMBER

2152

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/775,833

**Applicant(s)**

KANGAS ET AL.

**Examiner**

TARIQ S. NAJEE-ULLAH

**Art Unit**

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 8/22/05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office action has been issued in response to Applicant's Amendment filed June 12, 2008. Claims 1-29 are pending in the case. Claims 1-4, 7-8, and 13-26 have been amended. New claims 27-29 have been added.

***Response to Arguments***

2. The rejections of claims 2 and 15 under 35 U.S.C. § 112 are withdrawn.
3. Regarding the rejection of claim 25 under 35 U.S.C. § 102 (b), Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, Applicant's arguments relating to the cited references in the rejection of claim 25 have been considered but are moot in view of the new grounds of rejection.
4. Regarding the rejection of claims 1-24 under 35 U.S.C. § 103 (a), Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, Applicant's arguments relating to the cited references in the rejections of claims 1-24 have been considered but are moot in view of the new grounds of rejection.
5. Regarding the rejection of claim 26 under 35 U.S.C. § 103 (a), Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, Applicant's arguments relating to the cited references in the rejection of claim 26 have been considered but are moot in view of the new grounds of rejection.

***Information Disclosure Statement***

6. The information disclosure statement (IDS) submitted on August 22, 2005 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement has been considered by the examiner. Office records indicate that a signed copy of this information disclosure statement was mailed out with the first Office Action in this case on January 24, 2008. Examiner will mail a copy of the August 22, 2005 signed information disclosure statement with this Office Action.

***Specification***

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Applicant has failed to provide antecedent basis for the claim terminology "computer program product."

***Claim Objections***

8. Claim13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Note *Ex parte Porter*, 25 USPQ2d 1144 (Bd. Pat. App. & Inter. 1992).

***Claim Rejections - 35 USC § 101***

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 recites **a computer program product comprising a computer readable medium having executable code stored therein; the code, when**

**executed by a processor, adapted to carry out the method of claim 1.** Due to the absence of an explicit and deliberate definition in the specification or limiting claim language, the broadest reasonable interpretation of a “computer program product” by the Examiner is a “produced computer program.” This fails to fall within a statutory category of invention. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

The “computer readable medium” recited in claim 13 is not limited to statutory subject matter. The Applicant has not explicitly defined or limited the computer readable medium to tangible embodiments. The medium could be a carrier wave or signal. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 7 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant claims **wherein the mobile device hosting the device profile repository is configured differently than a hypertext transfer protocol server** without disclosing or specifying how or what is being configured “differently.”

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over US Patent Application Publication 2003/0233461 to Mariblanca-Nieves et al (Nieves hereinafter) in view of Liberty Alliance Project publication "Liberty Reverse HTTP Binding for SOAP Specification." V.1.0 2003 (Liberty hereinafter), further in view of US Patent No. 6,477,529 to Mousseau et al (Mousseau hereinafter).

Regarding claims 1, 13-14, and 25-27, Nieves teaches a method, system or apparatus comprising: **offering a web service that makes available a device profile from a device profile repository located within a mobile device** (Nieves, pg. 1, par. 6, 9), **using a reverse hypertext transfer protocol binding for simple object access protocol** (Nieves, pg. 4, par. 55), **providing at least a portion of the device profile from the device profile repository upon request, via the web service** (Nieves, pg. 2, par. 19-20), **and receiving enhanced content at the mobile device, the enhanced content being based at least partly upon a capability of the mobile device disclosed by the web service** (Nieves, pg. 4, par. 45), **wherein the enhanced content comprises content formatting that optimizes how the content is rendered.**

While Nieves teaches the use of hypertext transfer protocol binding for simple object access protocol (Nieves, pg. 4, par. 55), Nieves does not explicitly disclose **using a reverse hypertext transfer protocol binding for simple object access protocol**. Liberty discloses **using a reverse hypertext transfer protocol binding for simple object access protocol** (see Liberty pg. 4, lines 47-61). Nieves and Liberty are analogous art because they both from the same field of endeavor of providing modified content to mobile devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the Liberty reverse HTTP binding for SOAP in a web service providing enhanced content to a mobile device. The suggestion/motivation would have been to provide a way for mobile devices that do not operate a HTTP server to give and receive interact with an HTTP-based server or web service (See Liberty pg. 4, lines 47-61).

The combination of Nieves-Liberty teaches providing modified content to mobile devices. Mousseau explicitly teaches **receiving enhanced content at the mobile device** (Mousseau, processes illustrated in fig. 1 and fig. 2; content is enhanced or modified by an information translator, content filters, and viewing component; col. 2, lines 25-47); **wherein the enhanced content comprises content formatting that optimizes how the content is rendered** (processes illustrated in fig. 1 and fig. 2). Nieves-Liberty and Mousseau are analogous art because they are from the same field of endeavor of network communication and mobile devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Mousseau's delivery of enhanced, optimized content to a mobile device with the combination of

Nieves-Liberty method of providing modified content to mobile devices. The suggestion/motivation would have been to offer a user a general purpose browser for a wireless device (Mousseau, col. 2, lines 19-23).

Regarding claims 2, 15 and 28, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 1, 14 and 27 above including, **wherein the mobile device does not host a hypertext transfer protocol server** (Nieves, pg. 4, par. 55).

Regarding claims 3, 16 and 29, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 1, 14 and 27 above including, **further comprising changing at least one characteristic of the mobile device causing a modification of the capability of the mobile device for accepting at least one type of content format** (Mousseau, col. 5, lines 1-19), **and sending an update signal to the device profile located at the device profile repository within the mobile device, the update signal being indicative of the modification** (Mousseau, col. 5, lines 1-19).

Regarding claims 4 and 17-18, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 3 and 16 above including, **wherein providing the device profile from the device profile repository upon request includes: receiving a profile inquiry signal from a server outside the mobile device, the profile inquiry signal being a simple object access protocol signal asking for at least part of the device profile** (Nieves, pg. 4, par. 45, 55); **and sending to the server a simple object access protocol response message inside a request** (Nieves, pg. 4, par. 45, 55), **the response message including the part of the device profile from the device profile repository, wherein the web service is provided at least for content formatting,**



**and wherein the device profile comprises a user agent profile** (Nieves, pg. 4, par. 45, 55, pg. 1, par. 6, 9).

Regarding claims 5 and 19, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 3 and 16 above including, **wherein the characteristic of the mobile device is a hardware feature, a software feature, or an environment feature** (Mousseau, col. 5, lines 35-45; col. 2, lines 48-67).

Regarding claims 6 and 20, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 2 and 17 above including, **wherein the content formatting is distinct from content selection** (Mousseau, col. 5, lines 35-45; col. 2, lines 48-67), **and wherein the content formatting is for adapting selected content to the capability of the mobile device** (Mousseau, col. 5, lines 35-45; col. 2, lines 48-67).

Regarding claims 7 and 21, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 1 and 16 above including, **wherein the device profile repository is a memory module instead of a server** (Nieves, pg. 2, par. 19; an entity holding user profile data in the telecommunication system, i.e. database, storage device, memory), **and wherein the mobile device hosting the device profile repository is configured differently from a hypertext transfer protocol server** (Nieves, pg. 4, par. 55).

Regarding claims 8 and 22, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 4 and 17 above including, **wherein the server is a hypertext transfer protocol server** (see Liberty pg. 4, lines 47-61), **and wherein the**

**request containing the simple object access protocol response message is a hypertext transfer protocol request** (see Liberty pg. 4, lines 47-61).

Regarding claim 9, Nieves-Liberty-Mousseau discloses the invention substantially as described in claim 3 above including, **wherein providing at least a portion of the device profile is subsequently followed by utilizing the device profile to optimize the content format** (Mousseau, col. 5, lines 1-19, processes illustrated in fig. 1 and fig. 2; content is enhanced or modified by an information translator, content filters, and viewing component; col. 2, lines 25-47), **and supplying the content in the content format to the mobile device** (Mousseau, col. 5, line 57-col. 6, line 4, processes illustrated in fig. 1 and fig. 2; content is enhanced or modified by an information translator, content filters, and viewing component; col. 2, lines 25-47).

Regarding claim 10, Nieves-Liberty-Mousseau discloses the invention substantially as described in claim 9 above including, **wherein the utilizing and the supplying are performed by a content server located external to the mobile device** (Mousseau, col. 3, lines 55-67).

Regarding claims 11 and 23, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 2 and 15 above including, **wherein the content formatting includes scaling a bitmap and adjusting a color map to fit a display** (Mousseau, col. 5, lines 34-46; col. 5, line 57-col. 6, line 4).

Regarding claims 12 and 24, Nieves-Liberty-Mousseau discloses the invention substantially as described in claims 2 and 15 above including, **wherein the content**

**formatting includes using resampling to reduce an image size or a music file size**  
(Nieves, pg. 3, par. 39).

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 2003/0191623 to Salmonsens; US 2004/0024580 to Salmonsens et al; US 2005/0062695 to Cok.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is

(571)270-5013. The examiner can normally be reached on Monday through Friday 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. N.

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152